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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/802,114

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Daniel Mattias Larsson

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/802,114

Applicant(s)

LARSSON ET AL.

Examiner

Etienne P LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/28/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/28/2004 has been entered.

***Claim Status***

Claims 1-22 are pending. Claims 1-22 are rejected.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "transmitting a text representation of the qualifying record to a user and transmitting a representation of a non-text object related to the text representation of the qualifying record." The scope of the invention is difficult to determine because a "text representation" of a record is difficult to determine. It is unclear whether the transmitted text is text which is included in the record or whether the transmitted text is some other indeterminate

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characteristic of the textual content of the record. For purposes of this examination, Examiner assumes that an index derived from the textual content of a web site is comparable to “text representation.” Furthermore, equally confusing is “transmitting a representation of a non-text object.” It is difficult to determine what is transmitted because the degree of conformance of the transmitted representation with the object is unclear. For purposes of this examination, examiner assumes that a compressed image is comparable to a representation of the non-text object.

Claims 7, 12, and 18 include language similar to claim 1 and thus are rejected for reasons similar to claim 1.

Claims 2-6, 8-11, 13-17 and 19-22 are rejected for being dependent from a rejected base claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,643,641 issued to Snyder (hereafter Snyder), as best examiner is able to ascertain.

Claims 1 and 12:

Snyder discloses a method for providing at least one search result responsive to a search query comprising at least one search query term [Fig 3], the method comprising:

- receiving a search query [user search criteria 54, Fig 3, col 28, lines 7-16] requesting at least one record in the world wide web,
- processing [search report 80, Fig 3, report is prepared col 28, lines 17-28] the search query to produce at least one qualifying record,
- transmitting a text representation [description and title included with URL link 82, Fig 3, col 28, lines 30-37] of the qualifying record to a user
- transmitting a representation of a non-text object [Fig 3, 35, small size presentation of web page, col 28, lines 30-37] related to the text representation of the qualifying record to the user.

Claims 2, 13 and 19:

Snyder discloses wherein the object comprises an image [Fig 3, 35]

Claims 3, 14 and 20:

Snyder discloses wherein the record comprises a Web page [col 28, lines 38-35]

Claims 4, 10, 15 and 21:

Snyder discloses wherein the object is displayed next to the text representation [col 28, lines 30-37]

Claims 5, 11, 16 and 22:

Snyder discloses wherein the object is displayed directly below the text representation [Fig 3, 35]

Claims 6 and 17:

Snyder discloses wherein the object comprises a sound file [col 9, line 59].

Claims 7 and 18:

Snyder discloses receiving a record [Fig 2, 66, col 9, lines 58-60] from the world wide web searching the record, creating a representation of the object [Fig 2, 68, text is parsed, col 9, lines 35-60] storing the representation [Fig 2, 68] in association with the record making an entry for the record in the index including the representation

Claim 8:

Snyder discloses wherein the object comprises an image [col 9, lines 55-60]

Claim 9:

Snyder discloses wherein the record comprises a Web page [col 7, lines 6-30].

***Response to Arguments***

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of supra new ground(s) of rejection. In order to advance prosecution, Examiner provides above new art rejection which, as best Examiner is able to ascertain, more accurately matches the recently amended claims. Nevertheless, examiner consider it prudent to address Applicant's comment on page 7 of the RCE submitted 6/28/2004. Applicant states "The Edelman reference is cited as showing a system where a user may search a single HTML document for an object. See, e.g., Office Action, pages 2-3 and Edelman Abstract. Baclawski is cited as showing an indexing module in search engine. See Office Action, pages 3-4. However, even the combination of Edelman and Baclawski does not show processing a search query requesting a

document in the world wide web and transmitting a representation of a non-text object related to a text representation of a qualifying record to a user as recited in claim 1.”

Examiner is not persuaded. MPEP in section 2111.01 states that during examination, the words of a claim must be given their plain meaning unless they are defined in the specification. Revised claim 1 recites “transmitting a text representation of the qualifying record to a user.” Giving claim 1 limitation “transmitting a text representation of the qualifying record” its plain ordinary meaning, examiner maintains that text 103 in Web page 102 per Figure 102 reads on above claim limitation. Furthermore, image 101 in Web page 102 reads on “a representation of a non-text object.” In any event, Examiner maintains that a Web address such as a URL will read on a text representation of a Web site and similarly, a Web address such a URL will read on representation of a non-text object contained on a Web site. However, in the best interests of advancing prosecution as mentioned above, Examiner provides supra new art rejection.

Furthermore, examiner notes above assertion by Applicant that the prior art of record does not disclose the claim limitation(s) does not advance prosecution because Applicant does not point out errors in the Office Action and does not present arguments why the prior art of record does not read on the claimed invention. Examiner notes Rule 37CFR 1.111(b) requires Applicant to "distinctly and specifically point out errors" in the examiner's action. Also, arguments or conclusions of Applicant cannot take the place of evidence. *In re Cole*, 51 CCPA 919, 326F.2d 769, 140 USPQ 230 (1964).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022.

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306.

Etienne LeRoux

November 15, 2004

  
SAFET METJAHIC  
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